

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 3-4, 6-7, 11, 13, 53-66, 105, and 114-115 are canceled. Claims 15-52, 67-104, and 106-108 were withdrawn by the Examiner. Claims 1-2, 5, 8-10, 12, 14, 109-114, and 116-123 remain in this application and, as amended herein, are submitted for the Examiner's reconsideration.

In the Office Action, claims 1-2, 8-10, 12, 14, 109-114, and 116-123 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Krishnan (U.S. Patent No. 6,073,124) in view of Shinn (U.S. Patent No. 6,655,585). Applicants submit that the claims are patentably distinguishable over the cited references.

For example, amended claim 1 calls for:

transmitting from said communication device automatically in response to said biometric device determining that said generated unique identification trait substantially matches said stored unique identification trait, over said network to said provider, each of said credit card number, said personal information needed to complete said transaction, and a verification signal indicating that said generated unique identification trait and said stored unique identification trait substantially match. (Emphasis added.)

Neither the relied on sections of Krishnan nor the relied on sections of Shinn disclose or suggest transmitting automatically in response to determining that a generated unique identification trait substantially matches a stored unique identification trait, neither the relied on sections of Krishnan nor the relied on sections of Shinn disclose or suggest transmitting to a provider automatically in response to determining that a generated unique identification trait substantially matches a stored unique identification trait, and neither the relied on sections of Krishnan nor the relied on

sections of Shinn disclose or suggest transmitting each of a credit card number, personal information needed to complete a transaction, and a verification signal automatically in response to determining that a generated unique identification trait substantially matches a stored unique identification trait.

The Examiner contends that Krishnan teaches "automatically (using a computer and the internet) transmitting the credit card number, the personal information and a verification signal (that authorizes the provider to complete the transaction) to a provider after authenticating the transaction at the user communication device" and refers to Figure 15 and to column 10, lines 1-8; column 19, lines 35-67; and column 21, lines 15-21 of Krishnan. The relied on sections of Krishnan, however, neither disclose nor suggest authenticating the transaction at the user communication device. Further, the relied on sections of Krishnan neither disclose nor suggest that the user communication device transmits automatically in response to authenticating the transaction. Moreover, the relied on sections of Krishnan neither disclose nor suggest that the credit card number, the personal information and a verification signal is transmitted automatically in response to authenticating the transaction. Additionally, the relied on sections of Krishnan neither disclose nor suggest that the credit card number, the personal information and a verification signal is transmitted to the provider automatically in response to authenticating the transaction.

Rather, Krishnan describes:

...In step 409, the licensing and purchasing broker 307 determines whether a purchase is requested and, if so, continues in step 410, else continues in step 411. In step 410, the licensing and purchasing broker 307 obtains a method for payment and authorizes the payment method using the payment processing function

309. In step 411, the licensing and purchasing broker 307 generates an appropriate [electronic license certificate] ELC using the licensing library 310 and the password generation data repository 308 and returns the generated EL-C to the licensing code....

(Col.10 ll.2-11, emphasis added.) Namely, the relied on section of Krishnan describes that the transaction is authenticated at the payment processing function, rather than at the customer computer system. (See also Fig. 3.) Further, the relied on section of Krishnan teaches that in response to the transaction being authenticated, the licensing and purchasing broker transmits verification of the transaction (the ELC), i.e., the provider transmits verification of the transaction, rather than the customer computer system, and that the verification is transmitted to the customer computer system, rather than to the provider. (See also Fig. 4, box 411.)

Krishnan also describes:

Specifically, in step 1201, the broker determines whether a buy request has been received and, if so, continues in step 1202, else continues in step 1206. In step 1202, the broker causes the licensing code (specifically, the user interface library routines) executing on the customer computer system to obtain credit card or purchase order information if such information was not already sent with the request... Once the credit card or purchase order information has been obtained by the licensing and purchasing broker, then in step 1203 the broker obtains payment authorization from a payment processor such as the payment processing function 309 in FIG. 3 and informs the licensing code accordingly.... In step 1204, the customer's credit card account is charged, and the supplier system is automatically credited.... In step 1205, the broker informs the licensing code of payment authorization and continues in step 1207....

(Col.19 ll.35-67, emphasis added.) Here, the relied on section of Krishnan again describes that the transaction is authenticated at a payment processor such as the payment processing function, rather than at the customer computer

system, and the relied on section of Krishnan again describes that the broker transmits verification of payment authorization, rather than the customer computer system. Additionally, the relied on section of Krishnan teaches here that the customer's credit card account is charged and the supplier system is automatically credited prior to the transmission of verification of payment authorization, namely, the credit card number and the personal information are received by the provider prior to the transmission of verification of payment authorization, rather than being transmitted to the provider together with the verification of payment authorization. (See also Fig.12.)

Moreover, Krishnan describes:

...In an exemplary embodiment, the credit card information is stored on the customer computer system using a secure technique.... Once the user has selected the Buy pushbutton 1702 in FIG. 17 indicating agreement to purchase the merchandise at the displayed price, the credit card (or purchase order) information is forwarded to the licensing and purchasing broker...

(Col.21 11.2-18, emphasis added.) Namely, the relied on section of Krishnan teaches that the customer computer system transmits credit card or purchase order information to the provider (i.e., the licensing and purchasing broker) in response to the selection of the "BUY" pushbutton, rather than the customer computer system automatically transmitting such information in response to the verification of payment authorization. (See also Fig.17.)

The relied on sections of Shinn merely describe carrying out signature verification of a credit card transaction using a pressure sensitive tablet and describe carrying out automatic authentication of a smart card user using a reader device or using an application stored on the smart card to match a user-provided biometric sample to a biometric sample stored on

the smart card. Hence, the relied on sections of Shinn do not remedy the deficiencies of Krishnan.

It follows that neither the relied on sections of Krishnan nor the relied on sections of Shinn, whether taken alone or in combination, disclose or suggest the method defined in claim 1, and therefore claim 1 is patentably distinct and unobvious over the cited references.

Independent claims 8, 111, 116, and 123 each include limitations similar to those of the above excerpt of claim 1. Therefore, Claims 8, 111, 116, and 123 are each patentably distinguishable over the relied on sections of Krishnan and Shinn for at least the same reasons.

Claims 2, 5, 10, 12, 14 and 109 depend from claim 1, claim 9 and 110 depend from claim 8, claims 112-113 and 118-121 depend from claim 111, and claims 117 and 122 depend from claim 116. Therefore, each of these claims is distinguishable over the cited art for at least the same reasons as its parent claim.

Accordingly, the withdrawal of the rejection under 35 U.S.C. § 103 is respectfully requested.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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